

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

KANL, LLC

Plaintiff,

v.

SAVAGE SPORTS CORPORATION;
and EXTREME TECHNOLOGIES, INC.
(d/b/a BOWTECH, DIAMOND
ARCHERY and WATERDOG
SURFACE TECHNOLOGIES)

Defendants.

Civil Action No. _____

Jury Trial Requested

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff KANL, LLC (hereinafter, "Plaintiff"), by and through its counsel, and for its Complaint against Savage Sports Corporation and Extreme Technologies, Inc. doing business as BowTech, Diamond Archery, and Waterdog Technologies (collectively, hereinafter, "Defendants") alleges as follows:

JURISDICTION & VENUE

1. This Complaint is an action for patent infringement under Title 35 of the United States Code. Accordingly, this Court has subject matter jurisdiction over the claims in this case pursuant to 28 USC §§ 1331 and 1338.

2. Defendants offer for sale and sell throughout the United States, including within this Judicial District and Division, a wide variety of products, including compound bows. On information and belief, this Court has personal jurisdiction over Defendants based on Defendants' contacts with this District and Division including, but not limited to, Defendants' conducting business in this district and committing acts of infringement of the patents sued upon

in this district. Upon further information and belief, these activities are carried out by these Defendants, *inter alia*, through sales through retail outlets located in this District, Internet web sites available to consumers within this District, and through catalogs distributed in this District.

3. On information and belief, venue is proper in this district with regard to Defendants pursuant to 28 USC § 1391.

PARTIES

4. Plaintiff KANL, LLC (hereinafter, "Plaintiff"), is a limited liability company organized and existing under the laws of the State of Tennessee, having a business address at 900 S. Gay St., Ste. 1871, Knoxville, Tennessee 37902.

5. On information and belief, Defendant Savage Sports Corporation, is a corporation organized and existing under the laws of the State of Delaware, having its principal place of business located at 100 Springdale Road, Westfield, Massachusetts 01085.

6. On information and belief, Defendant Extreme Technologies, Inc., is a corporation organized and existing under the laws of the State of Oregon, having its principal place of business located at 90554 Hwy 99N, Eugene, Oregon 97402.

7. On information and belief, at least one of the Defendants currently operates or has operated under the following assumed or fictitious names BowTech, Diamond Archery, and Waterdog Technologies.

NATURE OF THE ACTION

8. Plaintiff is the owner of all right, title, and interest in United States Patent No. 7,383,834 ("the '834 Patent"), entitled "Compound Bow With Improved Riser" (hereinafter, "the '834 Patent"), which was duly and legally issued by the United States Patent Office on June 10, 2008. A copy of the '834 Patent is attached hereto as Exhibit A.

9. Defendants do not have any license, authorization, consent, or permission from Plaintiff or any other party having any interest in or related to the '834 Patent to manufacture,

use, offer to sell, or sell any product embodying the subject matter of any claim of the '834 Patent, or to engage in any other activity that would, in the absence of any license, authorization, permission, or consent, infringe upon or in any way violate any right or interest of Plaintiff in or relating to the '834 Patent.

10. Defendants have been infringing and/or otherwise violating Plaintiff's rights with respect to one or more of the claims of the '834 Patent by, among other things, manufacturing, using, offering for sale, and/or selling in this district and elsewhere throughout the United States products which embody the subject matter of at least one claim of the '834 Patent, and will continue to do so unless and until enjoined by this Court. Such infringing products include compound bows with an "InVelvet" finish. Printouts from Internet websites of outdoor equipment suppliers Gander Mountain and Cabela's showing such compound bows are attached hereto as Exhibit B.

11. Defendants have, with full knowledge of the '834 Patent, commenced and/or continued infringement of and/or otherwise acted in violation of Plaintiff's rights with respect to one or more of the claims of the '834 Patent in willful disregard of Plaintiff's rights thereunder.

12. On information and belief, Defendants have, with full knowledge of the '834 Patent, actively induced others to infringe one or more claims of the '834 Patent. Also, with knowledge or reason to know of the '834 Patent, Defendants have contributed to the infringement thereof, by among other things, supplying one or more material components or parts of a combination which infringed or infringes one or more claims of the '834 Patent, knowing the same to be especially made or adapted for use in an infringement of the '834 Patent and not as a staple item of commerce suitable for substantial non-infringing uses.

COUNT I – PATENT INFRINGEMENT

13. Plaintiff hereby restates the averments of the previous paragraphs as if fully set forth herein, and for its Count I states as follows:

14. Defendants have been and are now infringing and/or otherwise acting in violation of Plaintiff's rights with respect to the '834 Patent in violation of 35 U.S.C. § 271(a) by, among

other things, making, selling, offering to sell, and/or using in the United States, products covered by at least one of the claims of the '834 Patent.

15. Defendants have been and are now actively inducing infringement of at least one of the claims of the '834 Patent by others in violation of 35 U.S.C. §§ 271(b) and 271(f).

16. Defendants have been and are now contributing to infringement of at least one of the claims of the '834 Patent by others in violation of 35 U.S.C. § 271(c).

17. The claims of the '834 Patent that are infringed herein are valid and enforceable and the '834 Patent is valid, unrevoked, enforceable, in force, and subsisting.

18. The acts of Defendants complained of herein have been and are now being done willfully with knowledge of, or reason to know, that they violate Plaintiff's rights under and related to the '834 Patent including, but not limited to, infringement of the '834 Patent.

19. The acts of Defendants complained of herein have caused and are presently causing irreparable harm, damage, and injury to Plaintiff for which Plaintiff has no adequate remedy at law, and such acts will continue to cause such irreparable harm, damage, and injury to Plaintiff unless and until the same are enjoined and restrained by this Court.

PRAAYER FOR RELIEF

WHEREFORE, Plaintiff prays for at least the following relief:

A. A preliminary and permanent injunction against Defendants enjoining them from and against any and all further and/or continued infringement, contributory infringement, and active inducement of infringement of the claims of the '834 Patent.

B. An accounting for damages to Plaintiff resulting from Defendants' infringement, contributory infringement, active inducement of infringement, and any/all other compensable violations of Plaintiff's rights pertaining to the '834 Patent, together with a trebling of all such damages because of the knowing, willful and wanton nature of Defendants' conduct and the exceptional nature of this case pursuant to 35 U.S.C. § 285.

- C. An assessment of interest on all damages.
- D. That this Court award Plaintiff its attorneys' fees, costs and expenses in this action under 35 U.S.C. § 285.
- E. Such other, further, and additional relief as this Court may deem reasonable and just.

Plaintiff hereby requests a jury to try any issue triable of right before a jury.

Respectfully submitted,

LUEDEKA NEELY GROUP, P.C.

By: s/Michael J. Bradford
Michael J. Bradford
TN BPR No. 22689
Stephen D. Adams
TN BPR No. 30057
P.O. Box 1871
Knoxville, TN 37901-1871
Phone: (865) 546-4305
Facsimile: (865) 523-4478
Email: MBradford@Luedeka.com
Email: SAdams@Luedeka.com

Attorneys for Plaintiff